

## § 63.1100

(2) *Inspection results.* The owner or operator shall submit a copy of the inspection record (required in § 63.1065) when inspection failures occur.

(3) *Requests for alternate devices.* The owner or operator requesting the use of an alternate control device shall submit a written application including emissions test results and an analysis demonstrating that the alternate device has an emission factor that is less than or equal to the device specified in § 63.1063.

(4) *Requests for extensions.* An owner or operator who elects to use an extension in accordance with § 63.1063(e)(2) or § 63.1063(c)(2)(iv)(B) shall submit the documentation required by those paragraphs.

40 CFR Ch. I (7–1–99 Edition)

## Subpart XX [Reserved]

## Subpart YY—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards

SOURCE: 64 FR 34921, June 29, 1999, unless otherwise noted.

### § 63.1100 Applicability.

(a) *General.* This subpart applies to source categories and affected sources specified in § 63.1103(a) through (d) of this subpart. The affected emission points, by source category, are summarized in table 1 of this section. This table also delineates the section and paragraph of the rule that directs an owner or operator of an affected source to source category-specific control, monitoring, recordkeeping, and reporting requirements.

TABLE 1 TO § 63.1100(A).—SOURCE CATEGORY MACT<sup>a</sup> APPLICABILITY

Source category	Storage ves- sels	Process vents	Transfer racks	Equipment leaks	Wastewater streams	Other	Source category MACT require- ments
Acetal Resins Production .....	Yes .....	Yes .....	No .....	Yes .....	Yes .....	No .....	§ 63.1103(a)
Acrylic and Modacrylic Fibers Production .....	Yes .....	Yes .....	No .....	Yes .....	Yes .....	Yes <sup>b</sup> .....	§ 63.1103(b)
Hydrogen Fluoride Production .....	Yes .....	Yes .....	Yes .....	Yes .....	No .....	No .....	§ 63.1103(c)
Polycarbonate Production .....	Yes .....	Yes .....	No .....	Yes .....	Yes .....	No .....	§ 63.1103(d)

<sup>a</sup> Maximum achievable control technology.<sup>b</sup> Fiber spinning lines using spinning solution or suspension containing acrylonitrile.

(b) *Subpart A requirements.* The following provisions of subpart A of this part (General Provisions), §§ 63.1 through 63.5, and §§ 63.12 through 63.15, apply to owners or operators of affected sources subject to this subpart.

(c) *Research and development facilities.* The provisions of this subpart do not apply to research and development facilities, consistent with section 112(b)(7) of the Act.

(d) *Primary product determination and applicability.* The primary product of a process unit shall be determined according to the procedures specified in paragraphs (d)(1) and (2) of this section. Paragraphs (d)(3), (4), and (5) of this section discuss compliance for those process units operated as flexible operation units.

(1) If a process unit only manufactures one product, then that product shall represent the primary product of the process unit.

(2) If a process unit is designed and operated as a flexible operation unit, the primary product shall be determined as specified in paragraphs (d)(2)(i) or (ii) of this section based on the anticipated operations for the 5 years following the promulgation date for existing affected sources and for the first 5 years after initial startup for new affected sources.

(i) If the flexible operation unit will manufacture one product for the greatest percentage of operating time over the five-year period, then that product shall represent the primary product of the flexible operation unit.

(ii) If the flexible operation unit will manufacture multiple products equally based on operating time, then the product with the greatest production on a mass basis over the five-year period shall represent the primary product of the flexible operation unit.

(3) Once the primary product of a process unit has been determined to be a product produced by a source category subject to this subpart, the owner or operator of the affected source shall comply with the standards for the primary product production process unit.

(4) The determination of the primary product for a process unit, including the assessment of applicability of this subpart to process units that are de-

signed and operated as flexible operation units, shall be reported in the Notification of Compliance Status Report required by § 63.1110(a)(4) when the primary product is determined to be a product produced by a source category subject to requirements under this subpart. The Notification of Compliance Status shall include the information specified in either paragraph (d)(4)(i) or (ii) of this section. If the primary product is determined to be something other than a product produced by a source category subject to requirements under this subpart, the owner or operator shall retain information, data, and analyses used to document the basis for the determination that the primary product is not produced by a source category subject to requirements under this subpart.

(i) If the process unit manufactures only one product subject to requirements under this subpart, the identity of that product.

(ii) If the process unit is designed and operated as a flexible operation unit, the information specified in paragraphs (d)(4)(ii)(A) through (C) of this section, as appropriate.

(A) The identity of the primary product.

(B) Information concerning operating time and/or production mass for each product that was used to make the determination of the primary product under paragraph (d)(2)(i) or (ii) of this section.

(5) When a flexible operation unit that is subject to this subpart is producing a product other than a product subject to this subpart, or is producing a product subject to this subpart that is not the primary product, the owner or operator shall comply with either paragraph (d)(5) (i) or (ii) of this section for each emission point.

(i) The owner or operator shall control emissions during the production of all products in accordance with the requirements for the production of the primary product. As appropriate, the owner or operator shall demonstrate that the parameter monitoring level established for the primary product is also appropriate for those periods when products other than the primary product are being produced. Documentation

of this demonstration shall be submitted in the Notification of Compliance Status report required by § 63.1110(a)(4).

(ii) The owner or operator shall determine, for the production of each product, whether control is required in accordance with the applicable criteria for the primary product in § 63.1103. If control is required, the owner or operator shall establish separate parameter monitoring levels, as appropriate, for the production of each product. The parameter monitoring levels developed shall be submitted in the Notification of Compliance Status report required by § 63.1110(a)(4).

(e) *Storage vessel ownership determination.* To determine the process unit to which a storage vessel shall belong, the owner or operator shall sequentially follow the procedures specified in paragraphs (e)(1) through (8) of this section, stopping as soon as the determination is made.

(1) If a storage vessel is already subject to another subpart of this part on the date of promulgation for an affected source under the generic MACT, that storage vessel shall belong to the process unit subject to the other subpart.

(2) If a storage vessel is dedicated to a single process unit, the storage vessel shall belong to that process unit.

(3) If a storage vessel is shared among process units, then the storage vessel shall belong to that process unit located on the same plant site as the storage vessel that has the greatest input into or output from the storage vessel (i.e., the process unit has the predominant use of the storage vessel.)

(4) If predominant use cannot be determined for a storage vessel that is shared among process units and if only one of those process units is subject to this subpart, the storage vessel shall belong to that process unit.

(5) If predominant use cannot be determined for a storage vessel that is shared among process units and if more than one of the process units are subject to standards under this subpart that have different primary products, then the owner or operator shall assign the storage vessel to any one of the process units sharing the storage vessel.

(6) If the predominant use of a storage vessel varies from year to year, then predominant use shall be determined based on the utilization that occurred during the year preceding the date of promulgation of standards for an affected source under this subpart or based on the expected utilization for the 5 years following the promulgation date of standards for an affected source under this subpart for existing affected sources, whichever is more representative of the expected operations for that storage vessel, and based on the expected utilization for the 5 years after initial startup for new affected sources. The determination of predominant use shall be reported in the Notification of Compliance Status Report required by § 63.1110(a)(4). If the predominant use changes, the redetermination of predominant use shall be reported in the next Periodic Report.

(7) If the storage vessel begins receiving material from (or sending material to) another process unit; ceases to receive material from (or send material to) a process unit; or if the applicability of this subpart to a storage vessel has been determined according to the provisions of paragraphs (e)(1) through (6) of this section and there is a significant change in the use of the storage vessel that could reasonably change the predominant use, the owner or operator shall reevaluate the applicability of this subpart to the storage vessel.

(8) Where a storage vessel is located at a major source that includes one or more process units that place material into, or receive materials from, the storage vessel, but the storage vessel is located in a tank farm, the applicability of this subpart shall be determined according to the provisions in paragraphs (e)(8)(i) through (iii) of this section.

(i) The storage vessel may only be assigned to a process unit that utilizes the storage vessel and does not have an intervening storage vessel for that product (or raw material, as appropriate). With respect to any process unit, an intervening storage vessel means a storage vessel connected by hard-piping to the process unit and to the storage vessel in the tank farm so that product or raw material entering

or leaving the process unit flows into (or from) the intervening storage vessel and does not flow directly into (or from) the storage vessel in the tank farm.

(ii) If there is only one process unit at a major source that meets the criteria of paragraph (e)(8)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to that process unit.

(iii) If there are two or more process units at the major source that meet the criteria of paragraph (e)(8)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to one of those process units according to the provisions of paragraph (e)(6) of this section. The predominant use shall be determined among only those process units that meet the criteria of paragraph (e)(8)(i) of this section.

(f) *Recovery operation equipment ownership determination.* To determine the process unit to which recovery equipment shall belong, the owner or operator shall sequentially follow the procedures specified in paragraphs (f)(1) through (7) of this section, stopping as soon as the determination is made.

(1) If recovery operation equipment is already subject to another subpart of this part on the date standards are promulgated for an affected source, that recovery operation equipment shall belong to the process unit subject to the other subpart.

(2) If recovery operation equipment is used exclusively by a single process unit, the recovery operation shall belong to that process unit.

(3) If recovery operation equipment is shared among process units, then the recovery operation equipment shall belong to that process unit that has the greatest input into or output from the recovery operation equipment (i.e., that process unit has the predominant use of the recovery operation equipment).

(4) If predominant use cannot be determined for recovery operation equipment that is shared among process units and if one of those process units is a process unit subject to this subpart, the recovery operation equipment shall belong to the process unit subject to this subpart.

(5) If predominant use cannot be determined for recovery operation equipment that is shared among process units and if more than one of the process units are process units that have different primary products and that are subject to this subpart, then the owner or operator shall assign the recovery operation equipment to any one of those process units.

(6) If the predominant use of recovery operation equipment varies from year to year, then the predominant use shall be determined based on the utilization that occurred during the year preceding the promulgation date of standards for an affected source under this subpart or based on the expected utilization for the 5 years following the promulgation date for standards for an affected source under this subpart for existing affected sources, whichever is the more representative of the expected operations for the recovery operations equipment, and based on the expected utilization for the first 5 years after initial startup for new affected sources. This determination shall be reported in the Notification of Compliance Status Report required by § 63.1110(a)(4). If the predominant use changes, the redetermination of predominant use shall be reported in the next Periodic Report.

(7) If there is an unexpected change in the utilization of recovery operation equipment that could reasonably change the predominant use, the owner or operator shall redetermine to which process unit the recovery operation belongs by reperforming the procedures specified in paragraphs (f)(2) through (6) of this section.

(g) *Overlap with other regulations.* Paragraphs (g)(1) through (4) of this section specify the applicability of subpart YY emission point requirements when other rules may apply. Where subpart YY of this part allows an owner or operator an option to comply with one or another regulation to comply with subpart YY of this part, an owner or operator must report which regulation they choose to comply with in the Notification of Compliance Status report required by § 63.1110(a)(4).

(1) *Overlap of subpart YY with other regulations for storage vessels.* (i) After the compliance dates specified in

§ 63.1102 for an affected source subject to this subpart, a storage vessel that is part of an existing source that is subject to the storage vessel requirements of this subpart and the storage vessel requirements of subpart G (the hazardous organic national emission standards for hazardous air pollutants (the HON)) of this part is in compliance with the requirements of this subpart if it complies with either such requirement and has notified the Administrator in the Notification of Compliance Status report required by § 63.1110(a)(4).

(ii) After the compliance dates specified in § 63.1102 for an affected source subject to this subpart, a storage vessel that is part of an existing source that is subject to the storage vessel requirements of this subpart and to the storage vessel requirements of subpart Ka or Kb of part 60 is required only to comply with the storage vessel requirements of this subpart.

(2) *Overlap of subpart YY with other regulations for process vents.* After the compliance dates specified in § 63.1102 for an affected source subject to this subpart, a process vent that is part of an existing source that is subject to the process vent requirements of this subpart and to the process vent requirements of subpart G (the HON) of this part is in compliance with this subpart if it complies with either such requirement and has notified the Administrator in the Notification of Compliance Status report required by § 63.1110(a)(4).

(3) *Overlap of subpart YY with other regulations for transfer racks.* After the compliance dates specified in § 63.1102 for an affected source subject to this subpart, a transfer rack that is part of an existing source that is subject to the transfer rack requirements of this subpart and to the transfer rack requirements of subpart G (the HON) of this part is in compliance with this subpart if it complies with either such requirement and has notified the Administrator in the Notification of Compliance Status report required by § 63.1110(a)(4).

(4) *Overlap of subpart YY with other regulations for equipment leaks.* (i) After the compliance dates specified in § 63.1102 for an affected source subject

to this subpart, equipment that is part of an existing source that is subject to the equipment leak control requirements of subpart TT (National Emission Standards for Equipment Leaks—Control Level 1) pursuant to this subpart and to the equipment leak control requirements of subpart VV of part 60 or subpart V of part 61 is required only to comply with the equipment leak requirements of this subpart.

(ii) After the compliance dates specified in § 63.1102 for an affected source subject to this subpart, equipment that is part of an existing source that is subject to the equipment leak control requirements of subpart UU (National Emission Standards for Equipment Leaks—Control Level 2) of this part pursuant to this subpart and to the equipment leak control requirements of subpart H (the HON) or subpart I of this part is in compliance with the equipment leak control requirements of this subpart if it complies with either such requirement and has notified the Administrator in the Notification of Compliance Status report required by § 63.1110(a)(4).

#### § 63.1101 Definitions.

All terms used in this subpart shall have the meaning given them in the Act, in 40 CFR 63.2 (General Provisions), and in this section.

*Batch cycle* refers to manufacturing a product from start to finish in a batch unit operation.

*Batch emission episode* means a discrete venting episode that may be associated with a single unit operation. A unit operation may have more than one batch emission episode per batch cycle. For example, a displacement of vapor resulting from the charging of a vessel with organic HAP will result in a discrete emission episode. If the vessel is then heated, there may also be another discrete emission episode resulting from the expulsion of expanded vapor. Both emission episodes may occur during the same batch cycle in the same vessel or unit operation. There are possibly other emission episodes that may occur from the vessel or other process equipment, depending on process operations.